

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THELEN REID & PRIEST LLP,

No C 06-2071 VRW

Plaintiff and
Counterdefendant,

ORDER

v

FRANÇOIS MARLAND,

Defendant and
Counterclaimant.

_____ /

François Marland seeks an order requiring Thelen Reid & Priest LLP ("Thelen") to translate all papers served in this action into French, Marland's native language. Marland argues that Federal Rule of Civil Procedure 4(f) and the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents (the "Hague Convention") require Thelen to translate all papers served in this action into French.

Federal Rule of Civil Procedure 4 governs the service of summons and complaints, incorporating the Hague Convention. This rule is inapplicable because Marland has waived any objection to inadequate service of process by filing a responsive pleading,

1 specifically Marland's answer and counterclaims in Doc #14. Fed R
2 Civ Proc 12(h). Further service of pleadings, motions and
3 discovery are governed by Fed R Civ Proc 5. Accordingly, Marland's
4 motion is DENIED.

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6 SO ORDERED.

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10 VAUGHN R WALKER

11 United States District Chief Judge
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